THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 14620 OF 2006

DATED: 09-11-2006

Between:

Kotapati Naga Munemma … Petitioner

And

The Government of Andhra Pradesh,
Rep.by its Joint Collector and
Licencing Authority, Kadapa
And two others …
Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 14620 OF 2006

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Home for respondents 1 to 3 and Sri S. Dwaraknadh, learned counsel for the 4th respondent.

The singular grievance that survives consequent on the disposal today of W.P.No.10932/2006, is that the petitioner's application dated 17-06-2006 for grant of a temporary ('C') licence to run Sri Krishna Picture Palace, Kadapa is not being considered by the 1st respondent-the licensing authority under the provisions of A.P. Cinemas(Regulation)Act, 1955 and the statutory rules there under.

On behalf of the 4th respondent, it is contended that though the petitioner has or might have the approval of the other family members to run the theatre or for applying for a licence therefor, this respondent does not consent and as the 4th respondent also has a share in the property, his consent and authorization to the petitioner (to run the theatre or apply for a license) is a condition precedent to entitle the petitioner for grant of a temporary or permanent licence.

The claim of the 4th respondent need not be considered in this writ petition. The petitioner applied for grant of a 'C' form licence to the first respondent. The law and the principle is too well settled that either for grant or renewal of a permanent licence or even a temporary licence i.e. 'B' form or 'C' form, the licensing authority must be satisfied as to the lawful ownership and possession of an applicant to a licence. The first respondent must therefore consider not only the claim of the petitioner to ownership and possession to run the theatre as part of her claim for grant of a 'C' form licence, but must also consider any objections to the claim of the petitioner to being the lawful and exclusive owner or authorisee, entitled to seek grant of a licence. This is an unavoidable obligation of the first respondent-licensing authority. The 4th respondent is therefore at liberty to lodge any objections or other claims that he may wish to assert, before the first respondent, against the petitioner's application for grant of a 'C' form licence. The first respondent should expeditiously dispose of the petitioner's application dated 17-06-2006, in accordance with law.

On the aforesaid analysis, the writ petition is disposed of directing the first respondent to consider and dispose of the petitioner's application dated 17-06-2006, on merits and in accordance with law, expeditiously and in any event within six(6) weeks from the date of receipt of a copy of this order. Nothing in this order may be construed as an expression by this Court on the merits of the petitioner's claim for ownership or lawful possession of the premises in respect of which the licence is applied or as to the merits of the 4th respondent's competing claims therefor. No order as to costs.

GODA RAGHURAM, J.

Dt: 09-11-2006
Rns